

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

NIKERRAY MIDDLEBROOK,

Petitioner,

v.

Civ. Act. No. 05-827-SLR

THOMAS CARROLL,

Warden, and **CARL C. DANBERG,**
Attorney General of the State of
Delaware,

Respondents.

**MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS**

1. The petitioner, Nikerray Middlebrook, has applied for federal habeas relief challenging his July 1997 conviction by a Delaware Superior Court jury and sentence for attempted first degree murder, first degree assault (as a lesser-included offense of attempted first degree murder), two counts of possession of a firearm during the commission of a felony, and possession of a deadly weapon by a person prohibited. *See* D.I.2; *Middlebrook v. State*, 815 A.2d 739, 741 (Del. 2003). The undersigned filed an answer to the petition on March 8, 2006.

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's appeal.

3. Due to the large volume of record retrieval recently required by prosecutors in the appeals division, the undersigned has been unable to obtain the certified state court records in order to file them contemporaneously with the answer. The undersigned anticipates obtaining and copying the records on or before April 3, 2006.

4. Respondents submit that an extension of time to April 3, 2006 in which to file certified copies of the material portions of the state court records in this case is reasonable.

Respondents submit herewith a proposed order.

/s/ Elizabeth R. McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 3759
elizabeth.mcfarlan@state.de.us

Date: March 8, 2006